

SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed April 6, 2006. Claim 1 is amended and claims 1-30 remain pending in the application, although claims 2, 3, 5, 10, 12, 13, 15, 20, 22, 23, 25 and 30 are withdrawn pursuant to previous species elections by Applicants. Applicants respectfully request reconsideration of the application and allowance of all claims, including the withdrawn claims, in view of the above amendments and the following remarks.

Withdrawn Claims

In previous Office Actions mailed December 10, 2004 and April 19, 2005, the Examiner indicated that independent claims 1, 11 and 21 were linking claims and/or generic claims. As discussed below, independent claims 1, 12 and 21 are allowable. In view of the allowability of linking and/or generic claims, Applicants respectfully request that the withdrawn claims be restored in the application and allowed.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 4, 6-9, 11, 14, 16-19, 21, 24 and 26-29 under 35 U.S.C. § 103(a) as obvious in view of, and therefore unpatentable over, various combinations of U.S. Patent No. 6,002,507 to Floyd *et al.* (“*Floyd*”), U.S. Patent No. 5,995,071 to Mertz (“*Mertz*”), and U.S. Patent No. 6,362,512 to Kubby *et al.* (“*Kubby*”).

Applicants respectfully traverse the Examiner’s rejections. To establish a *prima facie* case of obviousness, three criteria must be met: (1) the prior art references must teach or suggest all the claim limitations; (2) some suggestion or motivation to combine the references must be found in the prior art; and (3) there must be a reasonable expectation of success. MPEP § 2143. As explained below, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness.

Claim 1, as amended, recites an apparatus combination including a silicon wafer comprising a plurality of layers, a reflector formed in a layer of the silicon wafer, and “a pattern on a surface of the reflector to focus or collimate an incident beam of radiation into a reflected beam.” The Examiner alleges that *Floyd* discloses every element of the claimed combination except for a pattern on a surface of the reflector. To make up for

this deficiency in *Floyd*'s disclosure, the Examiner cites *Mertz* for its disclosure of a Fresnel pattern. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine *Floyd* with *Mertz* to arrive at the claimed invention.

Applicants respectfully disagree. Two aspects of *Floyd* teach away from a combination with *Mertz*. First, *Floyd* discloses that both the mirror 140 and the torsional mirror 150 should be flat and smooth (col. 2, lines 65-68). *Floyd* teaches that both mirrors should be built in the SCS layer precisely because the material properties of SCS allow the formation of the required flat and smooth mirrors. Second, *Floyd*'s choice of laser 105 reinforces its requirement for very flat and smooth mirrors. *Floyd* discloses that the laser 105 should be a vertical-cavity surface-emitting laser (VCSEL) because of its very small divergence angle (see col. 3, lines 10-25). The reason for choosing a laser such as a VCSEL with a very small divergence angle is to avoid focusing or collimating the beam. Thus, *Floyd* teaches against modifying any of its mirrors to collimate or focus a beam, and thus teaches against combination with *Mertz* or any other reference that discloses a pattern on the surface of a reflector. For the above reasons, Applicants submit that *Floyd* and *Mertz*, when combined, cannot obviate the claim because they do not meet every element of the prima facie case. Applicants therefore respectfully request withdrawal of the rejections and allowance of the claim.

Regarding claims 4 and 6-9, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 1 is in condition for allowance. Applicants submit that claims 4 and 6-9 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Claim 11 recites an apparatus combination including a wafer comprising a single crystal silicon (SCS) layer separated by an insulator layer from a substrate layer, a reflector formed in the SCS layer, and "a pattern formed on a surface of the reflector to focus an incident beam into a reflected beam." By analogy to the discussion above for

claim 1, Applicants submit that *Floyd and Mertz* provide no motivation for the combination attempted by the Examiner and therefore cannot obviate the claim. Applicants submit that claim 11 is therefore allowable and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 14 and 16-19, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 11 is in condition for allowance. Applicants submit that claims 14 and 16-19 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Claim 21 recites an apparatus combination including a wafer comprising a single crystal silicon (SCS) layer separated by an insulator layer from a substrate layer, a radiation source attached to a layer of the wafer, a reflector formed in the SCS layer, and “a pattern formed on a surface of the reflector to focus or collimate an incident beam from the radiation source into a reflected beam.” By analogy to the discussion above for claim 1, Applicants submit that *Floyd and Mertz* provide no motivation for the combination attempted by the Examiner and therefore cannot obviate the claim. Applicants submit that claim 21 is therefore allowable and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 24 and 26-29, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 21 is in condition for allowance. Applicants submit that claims 24 and 26-29 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has

overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

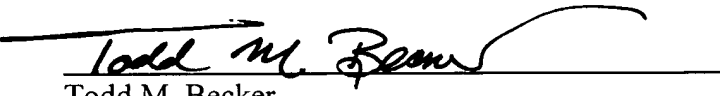
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Respectfully submitted,

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Date: 7-6-06


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